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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 2327—L. C., Bangalore, dated 25th October 1937.

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to amend the Mysore City Municipalities Regulation, 1933, is published for general information.

By Order,

A. SUNDARARAJA RAO,

Secretary,
Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Mysore City Municipalities Regulation, 1933.

We, the members of the Select Committee appointed to consider the Bill to amend the Mysore City Municipalities Regulation, 1933, have considered the Bill and have now the honor to submit this our Report.

Section 234-A.—It was suggested by some members that previous consultation of the Municipal Council concerned should be made before action is taken under this Section to appoint an officer. But it was considered by the majority of members that such a suggestion was not practicable.

Section 234-B.—We recommend that the words "of appointment" be added after the word "powers" so as to save the other powers of the Municipal Council under Sections 233 and 234.

We state that as the amendment is purely verbal no republication of the Bill is necessary.

(Sd.) N. Madhava Rau (*Chairman*).
,, Mirle N. Lakshminaranappa,
,, Mohammed Abbas Khan,
,, H. C. Dasappa (*subject to a note of dissent),
,, B. T. Kesaviengar,
,, P. Subbarama Chetty (*subject to a note of dissent),
,, M. Venkatanaranappa,
,, H. V. Ramasvami,
,, D. V. Gundappa (subject to a note of dissent).

*NOTES not received.

Note of Dissent by Mr. D. V. Gundappa.

Even after considering all that was said in favour of the Bill in the course of discussions in the Select Committee, I regret I am unable to withdraw my opposition to the Bill.

The one point that was stressed in the Select Committee by those who supported the Bill is that its object is to provincialize Municipal services, *i.e.*, to make the officers and officials of Municipal Councils an organic part of, and therefore interchangeable with the other members the of, the corresponding branches of administrative services of the State, so that there might be a wider field for the

choice, transfer and promotion of the officers of municipalities. I wish to say at once and unreservedly that I am in full sympathy with this object. I have myself very often pleaded for such provincialization of Municipal services as a means of securing greater efficiency in municipal administration. So that, there is no difference between me and the supporters of the Bill so far as the above object is concerned.

If this is all the object that the Government has in view, I venture to submit that the present form of the Bill completely obscures it, as is obvious from the ground taken up by those who opposed the Bill, namely—that the Bill is designed to take away *from* the Municipalities, and *for* the Government, an important power which they have long enjoyed as a legal right. Indeed, the third sentence in the Statement of Objects and Reasons itself suggests that the Bill has arisen as the result of a contest for power. The subtraction which the Bill seeks to make from the power allowed to the City Municipal Councils, is held by opponents to imply a censure on the way in which the municipalities have till now exercised their powers under Sections 233, 234 *et seqq.* of the 1933 Regulation. What the Bill in its present form emphasizes to the uninitiated is, not the laudable purpose of provincialising the municipal services, but the rather melancholy one of clipping the Municipalities, wings.

If the provincialising of the municipal services is a desirable object, that of preserving to the municipalities their present powers of initiative is, I submit, an equally desirable one. Under Section 233, a City Municipal Council has the power of appointing a Chief Officer, on its own motion, though subject to the approval of the Government; and in the event of its failure, the Government has the power of compelling it to do so. Provision of similar import is made in Section 234 with respect to the appointment of the Health Officer, the Engineer and other necessary officers. Action under these two sections is contemplated to be taken, in the first instance, by the Municipal Council concerned. This power of appointing its principal executive organs ordinarily by the exercise of its own free will, is a most important endowment not merely from the sentimental point of view of prestige, but also from the more material points of view of promoting

the sense of municipal responsibility and ensuring a due translation of the municipal will into daily administrative acts. The municipality that has got to take work from officers appointed by an outside authority and having to look to that other authority for promotion and facilities, cannot obviously be in a position to command those officers freely and readily,—at any rate not in such strong position as it could take up if the officers were men appointed by itself. When the servants of a municipality are, in reality and effect, subordinate to an outside authority, that Municipal Council must naturally develop a sence of futility and helplessness in the course of time; and at that rate, the Municipal Council will soon cease to attract to itself the best men that the City can put forward for its service. Thus, I consider the Bill as an attack, in truth, on a vital part of the system of Local Self-Government.

When there are two different objects in view, each as desirable as the other, the best course obviously is not to let one supersede the other, but to devise a plan of reconciling both to each other.

I would therefore appeal to the Government to withdraw the Bill. A separate Bill may be framed for the provincialising of Municipal services.

If this course does not commend itself to the Government, I would appeal to the Legislative Council to reject the Bill.

If even this appeal fails, I should like to persuade the House to accept at least the following amendment, which is one that I urged, but without success, in the Select Committee:—

"That the following proviso be added in Section I of the Bill, after the new part marked 234-A and before the new part marked 234-B.—

"Provided that, before taking action under any of the provisions of this Section (234-A), the Government or any authority appointed by it in this behalf, shall consult the Municipality or Municipalities concerned as to the action contemplated, in such manner as the Government may by rules prescribe."

It has been pointed out in the Statement of Objects and Reasons, and also in supplementary speeches, that such consultation as is proposed in my proviso has, as a

matter of fact, been taking place till now. If so, I see no harm in giving that wholesome practice a place in the statute. A good thing which is now left to the option of the Government, I should like to have confirmed by law as a condition certain and invariable.

(Sd.) D. V. Gundappa.

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We, the members of the Select Committee appointed to consider the Bill to amend the Mysore City Municipalities Regulation, 1933, have considered the Bill and have now the honor to submit this our Report:

We have no alterations to recommend. But we would suggest that in giving directions under sub-clause (2) of Section 232 A opportunities may be provided for previous consultation with the municipal authorities concerned.

Sd. N. Madhava Rau (*Chairman*).
,, Mirle N. Lakshminaranappa,
,, Mohammed Abbas Khan,
,, B. T. Kesaviengar,
,, H. V. Ramasvami,
,, M. Venkatanaranappa,
,, H. C. Dasappa,
,, P. Subbarama Chetty,
,, D. V. Gundappa.

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